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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,574	01/22/2002	Vipin Samar	OR01-23701	7739

51067 7590 11/22/2005

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EXAMINER

NGUYEN, DUSTIN

ART UNIT PAPER NUMBER

2154

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/054,574	SAMAR, VIPIN	
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-21 are presented for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/09/2005 has been entered.

Claim Rejections - 35 USC § 112

3. Claims 5, 12 and 19 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claims 5, 12 and 19, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinn [US Patent No 6,655,585], in view of Berson et al. [US Patent No 5,469,506].

7. As per claim 1, Shinn discloses the invention substantially as claimed including a method for providing identification authentication, comprising:

receiving an identification credential from an individual, including a biometric data, wherein the identification credential is an identification card, wherein the biometric data is stored on the identification credential [i.e. receive the biometric template stored on the smart card at the reader device] [Figure 5; and col 14, lines 10-13 and lines 29-36];

receiving a biometric sample from the individual [i.e. biometric sample received from the user] [col 14, lines 42-44];

determining if a difference between the digitally signed biometric data and the biometric sample from the individual is below a predetermined threshold [i.e. compare the biometric template and biometric sample and authenticating user if comparison yields a match score as least as great as the adjusted threshold] [col 10, lines 8-lines 13; and col 14, lines 18-21 and lines 41-48];

providing the results of the determination to an interested party [i.e. decide whether to allow or deny access or to ask the individual for more data] [col 1, lines 41-48];

whereby the identity of the individual is authenticated with reference to the identification credential alone, without having to transmit information for the individual over a network [i.e. the system reader is programmed with instruction to determine the false acceptance or false rejection threshold to be used for authentication] [Figure 5; Abstract; and col 7, lines 1-15].

Shinn does not specifically disclose

wherein the identification credential is digitally signed with a private key; and
validating the digital signature using a corresponding public key.

Berson discloses

wherein the identification credential is digitally signed with a private key [col 2, lines 45-67]; and

validating the digital signature using a corresponding public key [Figure 7; and col 6, lines 24-38].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Shinn and Berson because Berson's teaching of digital signature would provide a level of security to maintain data integrity.

8. As per claim 2, Shinn discloses adjusting the predetermined threshold in accordance with instructions received from a user [Figure 2; and col 5, lines 25-col 6, lines 12].

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9. As per claim 3, Shinn discloses wherein the identification credential includes at least one of a name, a unique ID, a citizenship, an issue date, an expiration date, an identifier for an issuing authority, the biometric data, and a digital photo [i.e. biometric template] [64, Figure 5; col 2, lines 59-61; and col 8, lines 64-67].

10. As per claim 4, Shinn discloses wherein the biometric sample includes one of, or a combination of, a fingerprint, a signature, an iris scan, a facial scan, a voice pattern, a height, a weight, or a palm scan [col 3, lines 64-67].

11. As per claim 5, Shinn discloses wherein the digitally signed biometric data is contained in a magnetic stripe, a bar code, a smart card, a chip-card, or a non-volatile memory, such as flash memory, located on or with the identification credential [62, Figure 5; and Abstract].

12. As per claim 6, Shinn does not specifically disclose wherein the digital signature is provided by a central certification authority. Berson discloses wherein the digital signature is provided by a central certification authority [col 4, lines 2-4]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Shinn and Berson because Berson's teaching would allow to centralize management for quicker and better maintenance of information.

13. As per claim 7, Shinn discloses granting access to resources based on the determination if the difference between the digitally signed biometric data and the biometric data from the individual is below a predetermined threshold [col 1, lines 58-64].

14. As per claims 8-14, they are program product claimed of claims 1-7, they are rejected for similar reasons as stated above in claims 1-7.

15. As per claims 15-21, they are apparatus claimed of claims 1-7, they are rejected for similar reasons as stated above in claims 1-7.

16. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

17. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is 571-272-3971. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3970.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 JOHN FOLLANSBEE
SUPERVISOR PATENT EXAMINER
TECHNOLOGY CENTER 2100